



## CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

**Department:** Utilities—Right of Way  
**Subject:** Acquisition of Private Property for Public Use

**Policy Number:** 15-1  
**Supersedes:**  
**Date Issued:** 13/12/91

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### I. INTRODUCTION

- A. **Scope** – This procedure will govern the purchase of real estate needed by all departments under the authority of the County Administrator.
- B. **Purpose and Background** – In order to ensure that the best sites are selected for County capital projects, in conformance with the County's "Comprehensive Plan;" and to ensure that the negotiations for those sites are performed in a professional manner consistent throughout the County, this procedure has been developed.

### II. PROCEDURE

- A. **Site Selection** – A study team under the direction of the County's Planning Director or his designee shall be assembled to select a number of sites and rank those sites based on desirability for the proposed use, impact on the community, conformance with the County's Comprehensive Plan and cost.

The study team members and area of responsibility are as follows:

<u>Member</u>	<u>Area of Responsibility</u>
Requesting Department	Needs assessment, study area selection, Location requirements and site selection
Construction Management	Suitability of site for construction
Environmental Engineering	Preliminary hydric soils assessment, Chesapeake Bay Preservation Act, drainage, Erosion and sediment control, general development requirements
Utilities (Planning Section)	Existing/planned water service, required improvements, cost of required improvements, existing or planned sewer lines, required improvements, cost of required improvements, general utility requirements
Transportation	Thoroughfare Plan, VDOT six year plan, specific area road needs, estimated cost of road improvements, general transportation requirements
Comprehensive Planning	Possible related CIP projects (including school projects), conformance with the County's Comprehensive Plan of Development
Development Review	Approved area developments, anticipated area developments, transition/buffer requirements, general planning requirements, parking requirements, etc.
Utilities (R/W Section)	Land availability, property ownership, anticipated acquisition costs, acquisition
Assessor's Office	Estimated land values
Budget	Availability of funds, impact on cash proffer issues

<b><u>Work Item</u></b>	<b><u>Responsibility Party</u></b>	<b><u>Time</u></b>
1. Needs Assessment	Requesting Dept.	N/A
2. Availability of funds	Budget	
3. Determine study area	Requesting Dept.	N/A
4. Assemble study area maps Land availability	Requesting Dept. Utilities (R/W)	N/A
5. Study area review General area analysis of: Chesapeake Bay Requirements Hydric Soils Draining Problems Erosion Problems Location/availability public water Location/availability public sewer Planned roads (Thoroughfare/VDOT) Local road needs  Other area public facility needs Area land use recommendations (Conformance with Comprehensive Plan) Land values Approved/anticipated area development	Review Team  Env. Engineering Env. Engineering Env. Engineering Env. Engineering Utilities (Planning Section) Utilities (Planning Section) Transportation Department Transportation Department  Comprehensive Planning  Comprehensive Planning Assessor's Office Development Review	2 Weeks
6. Select Study Sites	Team	
7. Preliminary Site Reviews General site by site analysis of the following development constraints/opportunities: Topography Hydric Soils Chesapeake Bay Requirements Drainage problems Erosion problems Location of/distance to public water Location of/distance to public sewer Gravity sewer areas Water pressure/capacity problem areas Thoroughfare Plan road improvements VDOT six year road improvements Area road constraints Comments from other regarding shared site development Buffers/setbacks for transitions	Team  Env. Engineering Env. Engineering Env. Engineering Utilities (Planning Section) Utilities (Planning Section) Utilities (Planning Section) Utilities (Planning Section) Transportation Transportation Transportation County agencies Development Review Development Review	2 weeks
8. Site suitability for proposed construction	Construction Management	
9. Review General Comments Narrow site selection list if appropriate	Requesting Dept.	N/A
10. Detail Site Review Review short list of study sites, Refine general comments with specific	Team	2 weeks

<u>Work Item</u>	<u>Responsibility Party</u>	<u>Time</u>
information		
11. Review Specific Comments Rank sites, submit recommendation to requesting department	Team	N/A
12. Site approval or approved alternate selected	Requesting Dept.	N/A
13. Final approval of site	County Administrator	N/A
<p><b>B. Site Negotiations</b> – Once a site is selected, the Utilities Right of Way Section shall negotiate a contract to purchase within the parameters of the price range established by the Assessor's office. The contract will be approved by the County Attorney's office prior to execution.</p> <p>In addition to the requirements of the standard contract, special provisions may be required. In all cases, the contract shall be subject to approval of the Board of Supervisors and other necessary government agencies for conditional use, zoning, variance, etc., and subject to engineering and geological studies to determine the conformation with the Chesapeake Bay Act, to determine substantial accord with the County's Comprehensive Plan of Development, and suitability for the intended purpose.</p> <p>If a contract cannot be negotiated for a reasonable consideration, alternate sites shall be considered, if available. If alternate sites are not available, the Utilities Right of Way Section shall obtain an opinion from the County Attorney to determine if eminent domain can be exercised.</p>		
<p><b>C. Closing</b></p> <ol style="list-style-type: none"> <li>1. The Utilities Right of Way Section shall prepare an agenda item to approve the contract for purchase, or to obtain authorization to proceed with condemnation.</li> <li>2. Upon execution of a contract, or authorization to proceed with condemnation, the Utilities Right of Way Section shall forward the contract and necessary information to the County Attorney for contract approval and preparation of the title report and closing, or condemnation.</li> <li>3. Concurrent with 2.2, the requesting department in cooperation with construction management and comprehensive planning, shall obtain the necessary zoning, conditional use and substantial accord approval as well as a wetlands study and an inspection to determine the presence of environmental hazards.</li> <li>4. Prior to closing, the Right of Way Section shall provide a deed, plats and preliminary title information to the County Attorney for review and approval and preparation of a title report, or obtaining a binder for title insurance.</li> </ol>		